

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

C.V.,	:	
	:	
Plaintiff,	:	
	:	DEFENDANT, LAUREN
	:	CARMINUCCI's ANSWER,
v.	:	AND AFFIRMATIVE
	:	<u>DEFENSES AND JURY DEMAND</u>
	:	
LAUREN CARMINUCCI,	:	Civil Action No. 2 :24-cv-02096-JXN-ESX
	:	
	:	
Defendant.	:	
	:	

Defendant, **LAUREN CARMINUCCI**, (*hereinafter "Defendant"*), by her undersigned attorneys, hereby answers the Complaint of Plaintiff, C.V.(*hereinafter "Plaintiff"*), as follows:

**PRELIMINARY STATEMENT**

1. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph One (1) of the Complaint and leaves Plaintiff to her proofs.
2. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Two (2) of the Complaint and leaves Plaintiff to her proofs.
3. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Three (3) of the Complaint and leaves Plaintiff to her proofs.
4. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Four (4) of the Complaint and leaves Plaintiff to her proofs.
5. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Five (5) of the Complaint and leaves Plaintiff to her proofs.
6. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Six (6) of the Complaint and leaves Plaintiff to her proofs.
7. Defendant denies the allegations contained in Paragraph Seven (7) of the Complaint.
8. Defendant admits the allegations contained in Paragraph Eight (8) of the Complaint.
9. Defendant denies the allegations contained in Paragraph Nine (9) of the Complaint.

11. Defendant denies the allegations contained in Paragraph Eleven (11) of the Complaint.

**PARTIES**

12. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph (12) of the Complaint and leaves Plaintiff to her proofs.

13. Admitted.

**JURISDICTION AND VENUE**

14. Defendant is without sufficient knowledge to neither admit nor deny the allegations contained in Paragraph Fourteen (14) of the Complaint, as same contains legal conclusions that require no response.

15. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Fifteen (15) of the Complaint, as same contains legal conclusions that require no response.

16. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Sixteen (16) of the Complaint, as same contains legal conclusions that require no response.

**FACTUAL ALLEGATIONS**

17. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Seventeen (17) of the Complaint and leaves Plaintiff to her proofs.

18. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Eighteen (18) of the Complaint and leaves Plaintiff to her proofs.

19. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Nineteen (19) of the Complaint and leaves Plaintiff to her proofs.

20. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Twenty (20) of the Complaint and leaves Plaintiff to her proofs.
21. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Twenty (21) of the Complaint and leaves Plaintiff to her proofs.
23. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Twenty-Two (22) of the Complaint and leaves Plaintiff to her proofs.
24. Defendant denies the allegations contained in Paragraph Twenty-Four (24) of the Complaint.
25. Defendant denies the allegations contained in Paragraph Twenty-Five (25) of the Complaint.
26. Defendant denies the allegations contained in Paragraph Twenty-Six (26) of the Complaint.
27. Defendant denies the allegations contained in Paragraph Twenty-Seven (27) of the Complaint.
28. Defendant denies the allegations contained in Paragraph Twenty-Eight (28) of the Complaint.
29. Defendant denies the allegations contained in Paragraph Twenty-Nine (29) of the Complaint.
30. Defendant denies the allegations contained in Paragraph Thirty (30) of the Complaint.
31. Defendant denies the allegations contained in Paragraph Thirty-One (31) of the Complaint.
32. Defendant denies the allegations contained in Paragraph Thirty-Two (32) of the Complaint.
33. Defendant denies the allegations contained in Paragraph Thirty-Three (33) of the Complaint.
34. Defendant denies the allegations contained in Paragraph Thirty-Four (34) of the Complaint.
35. Defendant denies the allegations contained in Paragraph Thirty-Five (35) of the

Complaint.

36. Defendant denies the allegations contained in Paragraph Thirty-Six (36) of the Complaint.

37. Defendant denies the allegations in Paragraph Thirty-Seven (37) of the Complaint.

38. Defendant denies the allegations contained in Paragraph Thirty-Eight (38) of the Complaint.

39. Defendant denies the allegations contained in Paragraph Thirty-Nine (39) of the Complaint.

40. Defendant denies the allegations contained in Paragraph Forty (40) of the Complaint.

41. Defendant is without sufficient personal knowledge to neither admit nor deny the allegations contained in Paragraph Forty-One (41) of the Complaint and leaves Plaintiff to her proofs.

42. Defendant denies the allegations contained in Paragraph Forty-Two (42) of the Complaint.

43. Defendant denies the allegations contained in Paragraph Forty-Three (43) of the Complaint.

**WHEREFORE**, Defendant, LAUREN CARMINUCCI, respectfully demands that Plaintiff's Complaint be dismissed with prejudice, for court costs, reasonable legal expenses, including attorney's fees, and such other and further relief as the Court deems just and equitable.

**FIRST CAUSE OF ACTION  
(Violation of 15 USC § 6851)**

44. Defendant repeats and reassert their response to the allegations contained in each preceding paragraph of the Complaint as if fully set forth herein.

45. Defendant denies the allegations contained in Paragraph Forty-Five (45) of the Complaint.

46. Defendant denies the allegations contained in Paragraph Forty-Six (46) of the Complaint.

47. Defendant denies the allegations in Paragraph Forty-Seven (47) of the Complaint.

48. Defendant denies the allegations in Paragraph Forty-Eight (48) of the Complaint.

49. Defendant denies the allegations contained in Paragraph Forty-Nine (49) of the Complaint.

**WHEREFORE**, Defendant, LAUREN CARMINUCCI, respectfully demands that Plaintiff's Complaint be dismissed with prejudice, for court costs, reasonable legal expenses, including attorney's fees, and such other and further relief as the Court deems just and equitable.

**SECOND CAUSE OF ACTION  
(Violation of Civil Rights Law §52-b)**

50. Defendant repeats and reassert their response to the allegations contained in each preceding paragraph of the Complaint as if fully set forth herein.

51. Defendant denies the allegations contained in Paragraph Fifty-One (51) of the Complaint.

52. Defendant denies the allegations contained in Paragraph Fifty-Two (52) of the Complaint.

53. Defendant denies the allegations contained in Paragraph Fifty-Three (53) of the Complaint.

54. Defendant denies the allegations contained in Paragraph Fifty-Four (54) of the Complaint.

55. Defendant denies the allegations contained in Paragraph Fifty-Five (55) of the Complaint.

**WHEREFORE**, Defendant, LAUREN CARMINUCCI, respectfully demands that Plaintiff's Complaint be dismissed with prejudice, for court costs, reasonable legal expenses, including attorney's fees, and such other and further relief as the Court deems just and equitable.

**THIRD CAUSE OF ACTION  
(Intentional Infliction of Emotional Distress)**

56. Defendant repeats and reassert their response to the allegations contained in each preceding paragraph of the Complaint as if fully set forth herein.

57. Defendant denies the allegations contained in Paragraph Fifty-Seven (57) of the Complaint.

58. Defendant denies the allegations contained in Paragraph Fifty-Eight (58) of the Complaint.

59. Defendant denies the allegations contained in Paragraph Fifty-Nine (59) of the Complaint.

60. Defendant denies the allegations contained in Paragraph Sixty (60) of the Complaint.

61. Defendant denies the allegations contained in Paragraph Sixty-One (61) of the Complaint.

62. Defendant denies the allegations contained in Paragraph Sixty-Two (62) of the Complaint.

63. Defendant denies the allegations contained in Paragraph Sixty-Three (63) of the Complaint.

64. Defendant denies the allegations contained in Paragraph Sixty-Four (64) of the Complaint.

65. Defendant denies the allegations contained in Paragraph Sixty-Five (65) of the Complaint.

66. Defendant denies the allegations contained in Paragraph Sixty-Six (66) of the Complaint.

67. Defendant denies the allegations contained in Paragraph Sixty-Seven (67) of the Complaint.

**WHEREFORE**, Defendant, LAUREN CARMINUCCI, respectfully demands that Plaintiff's Complaint be dismissed with prejudice, for court costs, reasonable legal expenses, including attorney's fees, and such other and further relief as the Court deems just and equitable.

**FOURTH CAUSE OF ACTION  
(Violation of N.J.S.A. 2A.58D-1)**

68. Defendant repeats and reassert their response to the allegations contained in each preceding paragraph of the Complaint as if fully set forth herein.

69. Defendant denies the allegations contained in Paragraph Sixty-Nine (69) of the Complaint.

70. Defendant denies the allegations contained in Paragraph Seventy (70) of the Complaint.

71. Defendant denies the allegations contained in Paragraph Seventy-One (71) of the Complaint.

72. Defendant denies the allegations contained in Paragraph Seventy-Two (72) of the Complaint.

73. Defendant denies the allegations contained in Paragraph Seventy-Three (73) of the Complaint.

**WHEREFORE**, Defendant, LAUREN CARMINUCCI, respectfully demands that Plaintiff's Complaint be dismissed with prejudice, for court costs, reasonable legal expenses, including attorney's fees, and such other and further relief as the Court deems just and equitable.

**FIFTH CAUSE OF ACTION**  
**(Invasion of Privacy)**

74. Defendant repeats and reassert their response to the allegations contained in each preceding paragraph of the Complaint as if fully set forth herein.

75. Defendant denies the allegations contained in Paragraph Seventy-Five (75) of the Complaint.

76. Defendant denies the allegations contained in Paragraph Seventy-Six (76) of the Complaint.

77. Defendant denies the allegations contained in Paragraph Seventy-Seven (77) of the Complaint.

78. Defendant denies the allegations contained in Paragraph Seventy-Eight (78) of the Complaint.

79. Defendant denies the allegations contained in Paragraph Seventy-Nine (79) of the Complaint.

80. Defendant denies the allegations contained in Paragraph Eighty (80) of the Complaint.

81. Defendant denies the allegations contained in Paragraph Eighty-One (81) of the Complaint.

82. Defendant denies the allegations contained in Paragraph Eighty-Two (82) of the Complaint.

83. Defendant denies the allegations contained in Paragraph Eighty-Three (83) of the Complaint.

84. Defendant denies the allegations contained in Paragraph Eighty-Four (84) of the Complaint.

**WHEREFORE**, Defendant, LAUREN CARMINUCCI, respectfully demands that Plaintiff's Complaint be dismissed with prejudice, for court costs, reasonable legal expenses, including attorney's fees, and such other and further relief as the Court deems just and equitable.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

Plaintiff's claims are barred as a result of insufficient service of process.

**SECOND SEPARATE DEFENSE**

Plaintiff's claims are barred as a result of insufficiency of process.

**THIRD SEPARATE DEFENSE**

Plaintiff's claims are barred under the doctrine of laches and unclean hands.

**FOURTH SEPARATE DEFENSE**

The claims against Defendant is barred by the doctrine of res judicata and/or collateral estoppel.

**FIFTH SEPARATE DEFENSE**

Plaintiff's claims are barred for failure to state a cause of action against Defendant upon which relief may be granted.

**SIXTH SEPARATE DEFENSE**

The claims against Defendant are barred by the entire controversy doctrine.

**SEVENTH SEPARATE DEFENSE**

The claims against Defendant are barred by the doctrine of equitable estoppel.

**EIGHTH SEPARATE DEFENSE**

Plaintiff's claims are barred by applicable law, rule, statute or regulation, including but not limited to the applicable Statute of Limitations, controlling or requiring the institution of suit within a certain period of time following actual accrual. As a result of this noncompliance, the Plaintiff's claims are barred as a matter of law as a result of insufficiency of process.

**NINTH SEPARATE DEFENSE**

Defendant is free from any and all breach of contract and damages.



**TENTH SEPARATE DEFENSE**

Any damages allegedly incurred by Plaintiff were caused through the sole negligence, breach of contract, act or omission of Plaintiff.

**ELEVENTH SEPARATE DEFENSE**

Any damages claimed by Plaintiff were caused through the sole breach of contract of third parties over whom the answering Defendant had no control.

**TWELTH SEPARATE DEFENSE**

Defendant deny that they, or anyone in their stead, violated any duties or created any conditions which were the proximate cause of the damages sustained by Plaintiff.

**THIRTEENTH SEPARATE DEFENSE**

Any liability, which might otherwise be imposed upon Defendant, must be reduced by the application of comparative negligence.

**FOURTEENTH SEPARATE DEFENSE**

Defendant acted in good faith and with reasonable basis and probable cause based on then existing circumstances.

**FIFTEENTH SEPARATE DEFENSE**

Defendant acted with legal justification.

**SIXTEENTH SEPARATE DEFENSE**

Defendant took no action at any time to deprive the Plaintiff of any federal, constitutional or statutory right of law.

**SEVENTEENTH SEPARATE DEFENSE**

Defendant acted on reasonable grounds and without malice and, therefore, are not responsible for damages to Plaintiff.

**EIGHTEENTH SEPARATE DEFENSE**

Plaintiff sustained no damages as a result of the actions, conduct or behavior of Defendant,

their agents, servants or employees.

**NINETEENTH SEPARATE DEFENSE**

This Court lacks subject matter jurisdiction over Defendant.

**TWENTIETH SEPARATE DEFENSES**

This Court lacks jurisdiction over Defendant.

**TWENTY-FIRST SEPARATE DEFENSES**

Plaintiff failed to take reasonable and necessary measures to mitigate damages.

**TWENTY-SECOND SEPARATE DEFENSES**

Defendant owed no legal duty to Plaintiff.

**TWENTY-THIRD SEPARATE DEFENSES**

Defendant breached no duty owed to Plaintiff.

**TWENTY-FOURTH SEPARATE DEFENSE**

The Plaintiff has failed to comply with conditions precedent necessary to a recovery.

**TWENTY-FIFTH SEPARATE DEFENSE**

This suit is barred because Plaintiff is not entitled to recover any damages.

**TWENTY-SIXTH SEPARATE DEFENSE**

Plaintiff's claims for damages are barred, in whole or in part, by discovery of after-acquired evidence.

**TWENTY-SEVENTH SEPARATE DEFENSE**

Defendant acted in accordance with the laws of the State of New Jersey and the United States of America.

**TWENTY-EIGHTH SEPARATE DEFENSE**

Defendant acted with legal justification.

**TWENTY-NINTH SEPARATE DEFENSE**

Plaintiff assumed the risk and was fully cognizant of any and all circumstances surrounding the alleged incident.

**RESERVATION OF RIGHTS**

Defendant reserves the right to assert any and all other defenses, both factual and legal, as may be justified by information subsequently obtained through investigation and discovery.

**JURY DEMAND**

Pursuant to R. 4:35-1, Defendant hereby demands trial by a jury of six (6) persons.

**DESIGNATION OF TRIAL COUNSEL**

David T. Ercolano, Esq. is hereby designated as trial counsel on behalf of Defendant, LAUREN CARMINUCCI.

**CERTIFICATION PURSUANT TO R. 11.2**

I hereby certify that, at this time, this matter in controversy is not the subject of any other action pending in any court or the subject of a pending arbitration or administrative proceeding, and that no other action or administrative proceeding is contemplated.

**FUSCO & MACALUSO, P.C**

Dated: April 24, 2024

By: \_\_\_\_\_

David T. Ercolano, Esquire  
Attorney for Defendant

**CERTIFICATION OF SERVICE**

The undersigned certifies that the Answer to the Complaint on behalf of Defendant, LAUREN CARMINUCCI has been E-filed and served via E-Courts on all counsel of record.

  
**FUSCO & MACALUSO, PC**

Dated: April 24, 2024

By: \_\_\_\_\_

David T. Ercolano, Esq.  
Attorney for Defendant